

## HOUSE BILL NO. 476

INTRODUCED BY S. VICK

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE MAXIMUM NUMERICAL SPEED LIMIT FOR LIGHT VEHICLES BEING OPERATED DURING THE DAYTIME ON FEDERAL-AID INTERSTATE HIGHWAYS OUTSIDE URBAN AREAS AND ON OTHER HIGHWAYS FOR WHICH A SPECIAL NUMERICAL LIMIT IS NOT OTHERWISE IMPOSED; CLARIFYING THAT IMPROPER OPERATION OF A VEHICLE ON A HIGHWAY FOR WHICH NO MAXIMUM NUMERICAL SPEED LIMIT EXISTS MAY CONSTITUTE THE OFFENSE OF CARELESS OR RECKLESS DRIVING; AND AMENDING SECTION 61-8-303, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-8-303, MCA, is amended to read:

**"61-8-303. Speed restrictions.** (1) Except as provided in 61-8-309, 61-8-310, 61-8-312, and subsection (2) of this section, the speed limit for vehicles traveling:

(a) on a federal-aid interstate highway outside an urbanized area of 50,000 population or more is 75 miles an hour ~~at all times~~ during the nighttime and the speed limit for vehicles traveling on federal-aid interstate highways within an urbanized area of 50,000 population or more is 65 miles an hour at all times;

(b) on any other public highway of this state is ~~70 miles an hour during the daytime and 65 miles an hour during the nighttime.~~

(2) The speed limit for vehicles traveling on U.S. highway 93 between the Canadian and Idaho borders is 65 miles an hour at all times. The speed limit imposed by this subsection ceases to be effective if U.S. highway 93 is upgraded to a continuous four-lane highway.

(3) A vehicle subject to the speed limits imposed in subsection (1) traveling on a two-lane road may exceed the speed limits imposed in subsection (1) by 10 miles an hour in order to overtake and pass a vehicle and return safely to the right-hand lane.

(4) Subject to the maximum speed limits set forth in subsections (1) and (2), a person shall operate a vehicle in a careful and prudent manner and at a reduced rate of speed no greater than is reasonable and prudent under the conditions existing at the point of operation, taking into account the amount and character of traffic, visibility, weather, and roadway conditions.

1 (5) (a) There is no maximum numerical speed limit imposed on a person operating a vehicle during  
2 the daytime on:

3 (i) a federal-aid interstate highway outside an urbanized area of 50,000 population or more; or

4 (ii) any other public highway of this state for which a numerical speed limit is not provided under  
5 this part.

6 (b) A person operating a vehicle improperly during the daytime on highways for which there is no  
7 maximum numerical speed limit is subject to prosecution for reckless driving under 61-8-301 or careless  
8 driving under 61-8-302 and is subject to the penalties provided in 61-8-715 and 61-8-716.

9 ~~(5)~~(6) When no special hazard exists that requires lower speed for compliance with subsections  
10 (1) and (2), the speed of a vehicle not in excess of the limits specified in this section or established as  
11 authorized in 61-8-309 through 61-8-311 and 61-8-313 is lawful, but a speed in excess of 25 miles an  
12 hour in an urban district is unlawful.

13 ~~(6)~~(7) "Daytime" means from one-half hour before sunrise to one-half hour after sunset.  
14 "Nighttime" means at any other hour.

15 ~~(7)~~(8) The speed limits set forth in this section may be altered by the transportation commission  
16 or a local authority as authorized in 61-8-309, 61-8-310, 61-8-313, and 61-8-314."

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